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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,872	09/25/2003	Farni Weaver	2244	5789

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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2688	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/670,872	WEAVER ET AL.	
	Examiner	Art Unit	
	Dai A. Phuong	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,8,10-14,19-25,27-30 and 32-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-3,19-24,30 and 32-34* is/are allowed.

6)☒ Claim(s) *8,10-14,25 and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 10/25/2005, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 4-7, 9, 15-18, 26 and 31 have been canceled and claims 1-3, 8, 10-14, 19-25, 27-30 and 32-34 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 8, 10-12, 25 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (Pub. No: 2005/0101333) in view of Eldering et al. (Pub. No: 2002011154).

Regarding claim 8, Raith discloses a method comprising: determining a current location of a mobile station ([0005]): making a comparison of the current location to a designated location ([0005]. Specifically, Raith discloses the mobile terminal 20 determines its current position and thereafter computes the distance D of the current position to a reference position corresponding to a point of interest); and based on the comparison, computing a next time to determine an updated location of the mobile station ([0018]. Specifically, Raith discloses the mobile terminal 20 adjusts the position update frequency as needed based on the computed distance D, velocity V, or a combination of the distance D and velocity V), wherein making the comparison comprises estimating a time interval to travel from the current location to the

designated location ([0018]. Specifically, Raith discloses the mobile terminal 20 may compute the speed or velocity of the mobile terminal 20 based on two or more position estimates over a period of time).

However, Raith does not disclose wherein computing the next time to determine the updated location of the mobile station comprises calculating a percentage of the time interval.

In the same field of endeavor, Eldering et al. disclose wherein computing the next time to determine the updated location of the mobile station comprises calculating a percentage of the time interval ([0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile communication terminal of Raith by specifically including computing the next time to determine the updated location of the mobile station comprises calculating a percentage of the time interval, as taught by Eldering et al., the motivation being in order to delivery service to the subscriber based on predicted data.

Regarding claim 10, the combination of Raith and Eldering et al. disclose all the limitation in claim 8. Further, Raith discloses the method further comprising, if the time interval is more than a predetermined amount, determining the updated location of the mobile station at a predetermined time interval ([0018]).

Regarding claim 11, the combination of Raith and Eldering et al. disclose all the limitation in claim 8. Further, Raith discloses the method further comprising, if the time interval is less than a predetermined amount, determining the updated location of the mobile station at a predetermined time interval ([0018]).

Regarding claim 12, the combination of Raith and Eldering et al. disclose all the limitation in claim 8. Further, Raith discloses the method further comprising, if the time interval is between a first threshold and a second threshold, determining the updated location of the mobile station at a predetermined time interval ([0018]).

Regarding claim 25, Raith discloses a method comprising: (a) determining when a mobile station is located within a range of a designated location by ([0019]): (i) determining a current location of the mobile station ([0017]). Specifically, Raith discloses the position update frequency of the position estimator 50 based on the distance of the mobile terminal 20 relative to a specific point of interest), and (ii) if the current location is not within the range, computing a next time to determine an updated location of the mobile station ([0019]. Specifically, Raith discloses A sliding scale can be implemented, for example, by comparing the computed distance D of the mobile terminal 20 from the point of interest to one or more predetermined set points and adjusting the update frequency accordingly), and at the next time, repeating from step (i) ([0031]) (i), station, and at the next time, repeating from step (i), wherein computing the next time to determine the updated location of the mobile station comprises estimating a travel time required for the mobile station to travel from the current location to the designated location ([0018]. Specifically, Raith discloses the mobile terminal 20 may compute the speed or velocity of the mobile terminal 20 based on two or more position estimates over a period of time).

However, Raith does not disclose calculating a percentage of the travel time; and (b) responsively sending content that is associated with the designated location to the mobile station when the mobile station is located within the range of the designated location.

In the same field of endeavor, Eldering et al. disclose calculating a percentage of the travel time ([0055]); and (b) responsively sending content that is associated with the designated location to the mobile station when the mobile station is located within the range of the designated location ([0052] to [0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile communication terminal of Raith by specifically including calculating a percentage of the travel time; and (b) responsively sending content that is associated with the designated location to the mobile station when the mobile station is located within the range of the designated location, as taught by Eldering et al., the motivation being in order to delivery service to the subscriber based on predicted data.

Regarding claim 28, the combination of Raith and Eldering et al. disclose all the limitation in claim 25. Further, Eldering et al. disclose the method wherein sending content that is associated with the designated location to the mobile station comprises sending a short message service (SMS) message to the mobile station ([0071]).

Regarding claim 29, the combination of Raith and Eldering et al. disclose all the limitation in claim 25. Further, Eldering et al. disclose the method wherein sending content that is associated with the designated location to the mobile station comprises sending a wireless application protocol (WAP) push message to the mobile station ([0015]).

4. Claims 13-14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (Pub. No: 2005/0101333) in view of Eldering et al. (Pub. No: 2002011154) and further in view of Dekock et al. (Pub. No: 2004/0267440)

Regarding claim 13, the combination of Raith and Eldering et al. disclose all the limitation in claim 8. However, the combination of Raith and Eldering et al. do not disclose the method wherein estimating the time interval comprises: requesting the time interval from a geoserver; and receiving the time interval from the geoserver.

In the same field of endeavor, Dekock et al. disclose the method wherein estimating the time interval comprises: requesting the time interval from a geoserver; and receiving the time interval from the geoserver ([0060]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile communication terminal of the combination of Raith and Eldering et al. by specifically including estimating the time interval comprises: requesting the time interval from a geoserver; and receiving the time interval from the geoserver, as taught by Dekock et al., the motivation being in order to provide traffic information to a plurality of users.

Regarding claim 14, the combination of Raith and Eldering et al. and Dekock et al. disclose all the limitation in claim 13. Further, Dekock et al. disclose the method wherein requesting the time interval from the geoserver comprises sending information indicative of the current location and the designated location to the geoserver ([0060]).

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 13.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowed:

Claims 1-3, 19-24, 30 and 32-34 are allowed.

Claims 2-3 and 19-24 are dependent on claim 1

Claims 32-34 are dependent on claim 30.

Regarding claim 30, the prior art record does not disclose nor fairly suggest a method comprising: determining a current location of a mobile station; making a comparison of the current location to a designated location; **and based on the comparison, computing a next time to determine an updated location of the mobile station,** wherein making the comparison comprises estimating a distance between the current location and the designated locations, **wherein computing the next time to determine the updated location of the mobile station comprises estimating a time interval to travel the distance between the current location and the designated location, wherein estimating the time interval to travel the distance between the current location and the designated location comprises using a predefined travel time that corresponds to traveling the distance between the current location and the designated location, and wherein computing the next time to determine the updated location of the mobile station comprises calculating a percentage of the predefined travel time.**

Regarding claim 30, the prior art record does not disclose nor fairly suggest a system comprising: a content serving element that stores content associated with a designated location and sends the content to a mobile station when the mobile station is located within a range of the designated location; a location determining element arranged to: (a) determine when the mobile station is located within the range; and (b) responsively inform the content serving element when the mobile station is located within the range by performing a process comprising:

(i) determining a current location of the mobile station, and (ii) if the current location is not within the range, computing a next time to determine an updated location of the mobile station by estimating a travel time required for the mobile to travel from the

current location to the designation location and calculating a percentage of the travel time, and at the next time, repeating from step (i).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2688
Date: 12-22-2005

George Eng.
GEORGE ENG
SUPERVISORY PATENT EXAMINER